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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,512	10/20/2000	Joel E. Short		7933

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2143

DATE MAILED: 07/14/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

2

# Office Action Summary

Application No.

09/693,512

Applicant(s)

SHORT ET AL

Examiner

Thomas Duong

Art Unit

2143

SE

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on April 21, 2004 (Paper No. 6). The amendment filed on April 21, 2004 has been entered and made of record. *Claims 1-18* are presented for further consideration and examination.

### *Response to Argument*

2. The Applicants' arguments and amendments filed on April 21, 2004 have been fully considered, but they are not persuasive.
3. With regard to claims 1, 8 and 14, the Applicants point out that:
  - *Neither the '361 Morns Patent nor the '675 Metzler Patent teach a Gateway Device that is located at an Access Point in the Network and provides Subscriber Computers Access Control*

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that the Morris reference does disclose,

Morris (US006453361B1) teaches,

- *a subscriber interface (CGMAPI) for adapting to subscriber computers (PC, PDA or cell phone) that are connected to the gateway device (gateway server) to facilitate communications between the subscriber computers and at least one network; and (Morris, col.3, lines 39-41; col.5, lines 42-49, lines 52-59; module 21, fig.1; Morris teaches of a gateway server which includes an interface (i.e. gateway server meta-application programming interface) to enable the gateway*

server to pass data and service requests of the client devices (PC, PDA, cell phone, etc.) to the meta-applications, which, as illustrated in module 14 of figure 1, may exist on separate servers of the network behind the gateway)

In summary, the Examiner maintains that Morris does disclose of a gateway server which includes an interface (i.e. gateway server meta-application programming interface) to enable the gateway server to pass data and service requests of the client devices (PC, PDA, cell phone, etc.) to the meta-applications, which, as illustrated in module 14 of figure 1, may exist on separate servers of the network behind the gateway. Furthermore, it is well known in the art that a gateway device or server is often referred to as the access point to a network, which, in this case, are the servers behind the gateway server. Therefore, the Applicants still failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.

4. With regard to claims 2-7, 9-13 and 15-18, they are rejected at least by virtual of their dependency on the independent claims and by other reasons set forth in the previous office action (Paper No. 5). Accordingly, rejections for claims 2-7, 9-13 and 15-18 are presented as below:

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (US006453361B1) and in view of Meltzer et al. (US006226675B1).
7. With regard to claims 1-2, 8 and 14, Morris reference discloses

- *a subscriber interface (CGMAPI) for adapting to a subscriber computer (PC, PDA or cell phone) that is connected to the gateway device (gateway server) to facilitate communications between the subscriber computer and at least one network; and (Morris, col.3, lines 39-41; col.5, lines 42-49, lines 52-59; module 21 on sheet 1, fig.1).*

However, Morris reference does not explicitly disclose,

- *an XML interface for communicating with an external device via a series of XML commands and responses such that the gateway device supports communications involving the subscriber computer and the external device without requiring the subscriber computer to support XML commands and responses*

Meltzer teaches,

- *an XML interface (network interface) for communicating with an external device(diverse nodes) via a series of XML commands and responses such that the gateway device supports communications involving the subscriber computer and the external device without requiring the subscriber computer to support XML commands and responses (Meltzer, col.21, lines 41-45; col.23, lines 38-60; modules 300-304 on sheet 3, fig.3; sheet 4, fig.4).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Meltzer reference with Morris reference to facilitate interactions amongst diverse platforms in a communication network by eliminating the prior agreement on industry wide standards or custom integration. Furthermore, such systems should encourage incremental path to business

automation, to eliminate much of the time, cost and risks of traditional systems integration (Meltzer, col.2, lines 18-25).

8. With regard to claims 3, 9 and 16, Morris and Meltzer references disclose the invention substantially as claimed,

See *claims 1, 8 and 14* rejections as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein said XML interface comprises a parser front end for determining the type of operation requested by the external device (Meltzer, col.21, lines 44-47; col.23, lines 41-45; module 301 on sheet 3, fig.3; module 401 on sheet 4, fig.4).*

9. With regard to claims 4-5, 10-11 and 17-18, Morris and Meltzer references disclose the invention substantially as claimed,

See *claims 1, 8 and 14* rejections as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein said XML interface comprises a parser section for organizing elements parsed from at least one of an XML command and an XML response and for passing at least some of the elements to a requested application (Meltzer, col.21, lines 47-52, lines 60-64; col.23, lines 46-53; module 304 on sheet 3, fig.3; module 404 on sheet 4, fig.4).*
- *wherein said parser section also nests the elements to be passed to the requested application within an application programming interface (API) wrapper (Meltzer, col.25, line 66 – col.26, line 8; module 515 on sheet 5, fig.5).*

10. With regard to claims 6-7 and 12-13, Morris and Meltzer references disclose the invention substantially as claimed,

See *claims 1 and 8* rejections as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein said XML interface comprises a building section for preparing responses to requests received by the gateway device (Meltzer, col.23, lines 23-28, lines 53-60; modules 406-407 on sheet 4, fig.4).*

11. With regard to claim 15, Morris and Meltzer references disclose the invention substantially as claimed,

See *claim 14* rejection as detailed above.

Furthermore, Meltzer reference discloses,

- *wherein receiving an XML command comprises receiving an XML command at the gateway device from a billing and content server (Meltzer, col.21, line 64 – col.22, line 2; modules 305-307 on sheet 3, fig.3).*

### **Conclusion**

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

*Thomas Duong (AU2143)*

*July 8, 2004*

  
DAVID WILEY  
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